

**UNOFFICIAL VERSION**

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**THURSDAY, MARCH 29, 2012**

**SIXTY-FIFTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Reverend Cynthia Andrews-Looper of Holy Trinity Community Church in Nashville, Tennessee, a guest of Senator Barnes.

**PLEDGE OF ALLEGIANCE**

Senator Barnes led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 30

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

**COMMUNICATIONS**

March 15, 2012

Lt. Governor Ron Ramsey  
Office of Lt. Governor  
1 Legislative Plaza  
Nashville, TN 37243

Dear Lt. Governor Ramsey:

I will be unable to attend the Legislative Session on Thursday, March 29, 2012. I will be taking a mandatory continuing education class that day that will take up the entire day.

I would ask that I be formally excused. Thank you in advance.

Sincerely,

/s/ Ken Yager  
Senator

APPROVED: Lieutenant Governor  
Ron Ramsey

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March 28, 2012

The Honorable Ron Ramsey  
Lt. Governor/Speaker of the Senate  
One Legislative Plaza  
Nashville, TN 37243

Re: Excused Absence

Dear Governor Ramsey:

Please excuse my absence from Session on Thursday, March 29.

Thank you for your consideration of my request. Please let me know if you have any questions.

Respectfully,

/s/ Steve Southerland

APPROVED: Lieutenant Governor  
Ron Ramsey

March 29, 2012

Hon. Ron Ramsey  
Lt. Governor and Speaker of the Senate  
Suite One, Legislative Plaza  
Nashville, Tennessee 37243

Dear Governor Ramsey:

Please excuse my absence from the Senate for today's Session. I have had a reaction to one of my medications and am receiving treatment for this condition which necessitates me being with the doctor today.

Mrs. Russell has my permission to sign this request in my absence. Thank you for your consideration in this matter.

Very truly yours,

/s/ Douglas Henry

APPROVED: Lieutenant Governor  
Ron Ramsey

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2195, 2225, 2240, 2246

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with amendments, 2277, 2278, 2289, 2401, 2485, 2509, 2514 with amendments, 2515 with amendment, 2678, 2684, 2732, 2733, 2778, 2812, 2845, 2955, 3241, 3251 and 3403; and Senate Joint Resolution No. 629.

MCNALLY, Chairperson  
March 27, 2012

The Speaker announced that he had referred Senate Bills Nos. 2195, 2225, 2240, 2246 with amendments, 2277, 2278, 2289, 2401, 2485, 2509, 2514 with amendments, 2515 with amendment, 2678, 2684, 2732, 2733, 2778, 2812, 2845, 2955, 3241, 3251 and 3403; and Senate Joint Resolution No. 629 to the Committee on Calendar.

### **STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2212, 2491, 2532, 2550, 2699, 2735 with amendment, 3074, 3096 with amendment, 3195, 3227 with amendment, 3331 with amendment, 3334, 3581 with amendment and 3759 with amendment; and Senate Joint Resolution No. 646; also, recommend that Senate Bills Nos. 3207 with amendment, 3248, 3330 with amendment and 3458 with amendment be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson  
March 27, 2012

The Speaker announced that he had referred Senate Bills Nos. 2212, 2491, 2532, 2550, 2699, 2735 with amendment, 3074, 3096 with amendment, 3195, 3227 with amendment, 3331 with amendment, 3334, 3581 with amendment and 3759 with amendment; and Senate Joint Resolution No. 646 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 3207 with amendment, 3248, 3330 with amendment and 3458 with amendment to the Committee on Finance, Ways and Means.

### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2194, 2675, 2997, 3002 with amendment and 3576 with amendment; and Senate Resolution No. 78; also, recommend that Senate Bill No. 2853; and Senate Joint Resolution No. 475 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson  
March 27, 2012

The Speaker announced that he had referred Senate Bills Nos. 2194, 2675, 2997, 3002 with amendment and 3576 with amendment; and Senate Resolution No. 78 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2853; and Senate Joint Resolution No. 475 to the Committee on Finance, Ways and Means.

**COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1864 with amendment, 2486 with amendment, 2492 with amendment, 2496, 2596 with amendment, 2610 with amendment, 2754, 2821 with amendment, 2870 with amendment, 2871 with amendment, 2912 with amendment, 2916 with amendment, 2923, 2992 with amendment, 3055, 3137 with amendment, 3233, 3282 with amendment, 3397 with amendment, 3452 with amendment, 3460 with amendment and 3589; also, recommend that Senate Bills Nos. 2895 with amendment, 3027 with amendment, 3070 with amendment, 3264 with amendment, 3657 with amendment, 3658 with amendment and 3659 with amendment be referred to Committee on Finance, Ways and Means.

JOHNSON, Chairperson  
March 27, 2012

The Speaker announced that he had referred Senate Bills Nos. 1864 with amendment, 2486 with amendment, 2492 with amendment, 2496, 2596 with amendment, 2610 with amendment, 2754, 2821 with amendment, 2870 with amendment, 2871 with amendment, 2912 with amendment, 2916 with amendment, 2923, 2992 with amendment, 3055, 3137 with amendment, 3233, 3282 with amendment, 3397 with amendment, 3452 with amendment, 3460 with amendment and 3589 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2895 with amendment, 3027 with amendment, 3070 with amendment, 3264 with amendment, 3657 with amendment, 3658 with amendment and 3659 with amendment to the Committee on Finance, Ways and Means.

**COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1985 with amendment, 2627, 2811 with amendment, 3301 with amendment, 3502 with amendment and 3547 with amendment; also, recommend that Senate Bills Nos. 2292 with amendment and 3315 with amendment be referred to Committee on Finance, Ways and Means.

JOHNSON, Chairperson  
March 28, 2012

The Speaker announced that he had referred Senate Bills Nos. 1985 with amendment, 2627, 2811 with amendment, 3301 with amendment, 3502 with amendment and 3547 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2292 with amendment and 3315 with amendment to the Committee on Finance, Ways and Means.

**GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2324 with amendment and 2342 with amendment; also, recommend that Senate Bills Nos. 2247 with amendment and 2129 be referred to Committee on Commerce, Labor and Agriculture.

BELL, Chairperson  
March 28, 2012

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The Speaker announced that he had referred Senate Bills Nos. 2324 with amendment and 2342 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2247 with amendment and 2129 to the Committee on Commerce, Labor and Agriculture.

### EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1508, 1631 with amendment, 1688 with amendment, 1923 with amendment, 2449 with amendment, 2484, 2511 with amendment, 2591 with amendment, 2635 with amendment, 2693 with amendment, 2967, 2986 with amendment, 3115 with amendment, 3159 with amendment, 3345 with amendment, 3558, 3597 with amendment, 3606 with amendment, 3632 with amendment and 3751 with amendment; also, recommend that Senate Bills Nos. 2066 with amendment, 2130 with amendment, 2187 with amendment, 2395 with amendment, 2630 with amendment, 2809 with amendment, 2919 with amendment, 2949 with amendment, 3056 with amendment, 3268 with amendment and 3599 with amendment be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson  
March 28, 2012

The Speaker announced that he had referred Senate Bills Nos. 1508, 1631 with amendment, 1688 with amendment, 1923 with amendment, 2449 with amendment, 2484, 2511 with amendment, 2591 with amendment, 2635 with amendment, 2693 with amendment, 2967, 2986 with amendment, 3115 with amendment, 3159 with amendment, 3345 with amendment, 3558, 3597 with amendment, 3606 with amendment, 3632 with amendment and 3751 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2066 with amendment, 2130 with amendment, 2187 with amendment, 2395 with amendment, 2630 with amendment, 2809 with amendment, 2919 with amendment, 2949 with amendment, 3056 with amendment, 3268 with amendment and 3599 with amendment to the Committee on Finance, Ways and Means.

### MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 3808 through 3811** be passed on first consideration, which motion prevailed.

### INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 3808** by Senator Roberts.

Sumner County -- As introduced, subject to local approval, creates the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012"; repeals Chapter 113 of the Private Acts of 2002, in certain circumstances.

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### **Senate Bill No. 3809** by Senator Roberts.

Sumner County -- As introduced, subject to local approval, creates the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012"; repeals Chapter 113 of the Private Acts of 2002, in certain circumstances.

### **Senate Bill No. 3810** by Senator Roberts.

Westmoreland -- As introduced, subject to local approval, specifies that persons elected as mayor and aldermen be installed into office on the first day of December rather than the first day of January, beginning with November, 2012 and 2014 elections. Amends Chapter 306 of the Private Acts of 1951.

### **Senate Bill No. 3811** by Mr. Speaker Ramsey.

Bluff City -- As introduced, revises method for filling vacancies on board of mayor and aldermen; allows for recall elections of mayor and aldermen. Amends Chapter 24 of the Private Acts of 1997; as amended.

## MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2344, 2505, 2644, 2669, 2765, 3338, 3398, 3481, 3518, 3548, 3550, 3706, 3852, 3853 and 3856** be passed on first consideration, which motion prevailed.

## HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2344** -- Economic and Community Development -- As introduced, clarifies purposes of FastTrack programs; requires certain reports be submitted to secretary of state; revises other provisions governing The Tennessee Job Growth Act of 2005. Amends TCA Section 4-3-715; Section 4-3-716 and Section 4-3-717.

**House Bill No. 2505** -- Sunset Laws -- As introduced, extends the board of ground water management, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 10, Part 1.

**House Bill No. 2644** -- Motor Vehicles -- As introduced, authorizes tow trucks responding to an incident at the request of a law enforcement official to use white and amber lights that display to the front of the vehicle. Amends TCA Section 55-9-402.

**House Bill No. 2669** -- Child Labor -- As introduced, specifies that no public funds of this state or any political subdivision thereof shall be allocated to the regulation or enforcement of any change made to certain rules regarding the employment of children in an agricultural setting. Amends TCA Title 43; Title 50, Chapter 3 and Title 50, Chapter 5.

**House Bill No. 2765** -- Real Property -- As introduced, authorizes any town, city, county, county with a metropolitan government, the state or any not-for-profit to purchase, preserve, and sell development rights. Amends TCA Section 13-7-101 and Section 13-7-201.

**House Bill No. 3338** -- Trusts -- As introduced, includes "persons" in definition of "family member" for purposes of determining which family members a private trust can do business with while maintaining exemptions from the Banking Act. Amends TCA Title 45, Chapter 2, Part 20.

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**House Bill No. 3398** -- Sexual Offenders -- As introduced, provides that the conveyance of real or personal property of a sexual offender used to violate a provision of the sex offender registry is subject to forfeiture if the victim was a minor. Amends TCA Title 39, Chapter 13, Part 5.

**House Bill No. 3481** -- Special License Plates -- As introduced, authorizes FedExFamilyHouse new specialty earmarked license plate; allocates 50 percent of funds produced from sale thereof to FedExFamilyHome to help provide a place for families of children receiving treatment at Le Bonheur Children's Hospital. Amends TCA Title 55, Chapter 4.

**House Bill No. 3518** -- Herbal Products and Natural Foods -- As introduced, deletes the repeal date of June 30, 2012, of certain provisions regarding sellers of herbs and natural health information exchanges. Amends TCA Section 63-6-205.

**House Bill No. 3548** -- Surveyors -- As introduced, authorizes instead of requires that the governor select members of board of land survey examiners from lists of nominees submitted by Tennessee Association of Professional Surveyors and other interested surveyor groups. Amends TCA Title 4, Chapter 29; Section 62-18-103 and Section 62-18-104.

**House Bill No. 3550** -- Sunset Laws -- As introduced, creates sunrise provision for energy efficient schools council, June 30, 2013; directs that members may be appointed from lists of qualified persons submitted by interested contractor, architectural and engineering groups including, but not limited to, the board for licensing contractors and the board of examiners for architects and engineers. Amends TCA Title 4, Chapter 29 and Section 49-17-103.

**House Bill No. 3706** -- Mental Illness -- As introduced, permits county with mental health facility, hospital or resource center in it to enter into annual agreement with another county to transport persons from the hospital to the original county for a flat rate or per person fee rather than billing for costs each trip. Amends TCA Section 33-6-901.

**House Bill No. 3852** -- Oakdale -- As introduced, subject to local approval, reduces size of Town of Oakdale board of aldermen from three to two beginning with the August, 2014 election; requires the board to designate one board member as vice-mayor. Amends Chapter 587 of the Private Acts of 1911; as amended and rewritten.

**House Bill No. 3853** -- Bradley County -- As introduced, subject to local approval, establishes a common-docket system in Bradley County. Amends Chapter 17 of the Private Acts of 1955; as amended.

**House Bill No. 3856** -- Maury County -- As introduced, subject to local approval, authorizes remainder of proceeds from county wheel tax after all indebtedness for road paving projects has been paid, to be paid into the highway capital projects fund for highway and bridge capital projects. Amends Chapter 119 of the Private Acts of 1995.

**MOTION**

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 3792 and 3807** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

**Senate Bill No. 3792** Local bill -- held on desk.

**Senate Bill No. 3807** Local bill -- held on desk.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 722 through 726**; and **Senate Resolutions Nos. 92 and 93** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 722** by Senators Finney, Kyle, Barnes, Marrero, Harper, Tate, Henry, Stewart, Burks, Ford and Haynes.  
Memorials, Public Service -- Senator Andy Berke.

**Senate Joint Resolution No. 723** by Senator Yager.  
Memorials, Recognition -- Taylor Lindsay, 2011 Miss Polk Salad.

**Senate Joint Resolution No. 724** by Senator Berke.  
Memorials, Recognition -- Honors and salutes the courageous Liberators and Holocaust Survivors of Tennessee and the work of the Tennessee Holocaust Commission.

**Senate Joint Resolution No. 725** by Senator Marrero.  
Memorials, Congress -- Urges Congress to enact legislation to modernize the "Toxic Substances Control Act of 1976".

**Senate Joint Resolution No. 726** by Senator Faulk.  
Memorials, Death -- J.H. "Tommy" Dykes.

**Senate Resolution No. 92** by Senators McNally and Henry.  
Memorials, Recognition -- John Baer.

**Senate Resolution No. 93** by Mr. Speaker Ramsey.  
General Assembly, Confirmation of Appointment -- Jeffery Clay Lewis, Tennessee Peace Officer Standards and Training (POST) Commission.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 620, 734, 811 through 815, 819 through 822 and 825 through 827**; and **Senate Joint Resolutions Nos. 712 through 721** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 620** -- Naming and Designating -- "Mental Illness Awareness Week" in Tennessee, October 1-7, 2012.

The Speaker announced that he had referred House Joint Resolution No. 620 to the Committee on Health and Welfare.

**House Joint Resolution No. 734** -- General Assembly, Statement of Intent or Position -- Urges Tennessee Commission on Aging and Disability to coordinate a state communication plan to inform the public about the Tennessee Aging and Disability Center's toll free number for information on resources and assistance.

The Speaker announced that he had referred House Joint Resolution No. 734 to the Committee on Finance, Ways and Means.

**House Joint Resolution No. 811** -- Memorials, Retirement -- Dr. Robert R. Bell.

The Speaker announced that he had referred House Joint Resolution No. 811 to the Committee on Calendar.

**House Joint Resolution No. 812** -- Memorials, Recognition -- Morrill Act of 1862, 150th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 812 to the Committee on Calendar.

**House Joint Resolution No. 813** -- Memorials, Recognition -- John Howard Dunn.

The Speaker announced that he had referred House Joint Resolution No. 813 to the Committee on Calendar.

**House Joint Resolution No. 814** -- Memorials, Recognition -- Mary Kate Bell, 2012 Tennessee Fairest of the Fair.

The Speaker announced that he had referred House Joint Resolution No. 814 to the Committee on Calendar.

**House Joint Resolution No. 815** -- Memorials, Recognition -- Arlington High School dance teams.

The Speaker announced that he had referred House Joint Resolution No. 815 to the Committee on Calendar.

**House Joint Resolution No. 819** -- Memorials, Personal Occasion -- Maurice & Alma Helton, 65th wedding anniversary.

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The Speaker announced that he had referred House Joint Resolution No. 819 to the Committee on Calendar.

**House Joint Resolution No. 820** -- Memorials, Recognition -- Detective Kevin Grigsby.

The Speaker announced that he had referred House Joint Resolution No. 820 to the Committee on Calendar.

**House Joint Resolution No. 821** -- Memorials, Professional Achievement -- Leslie Rollins, Teacher of the Year, Franklin County.

The Speaker announced that he had referred House Joint Resolution No. 821 to the Committee on Calendar.

**House Joint Resolution No. 822** -- Memorials, Recognition -- The Greek Touch, 20th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 822 to the Committee on Calendar.

**House Joint Resolution No. 825** -- Memorials, Public Service -- Sergeant Jemice Dandridge.

The Speaker announced that he had referred House Joint Resolution No. 825 to the Committee on Calendar.

**House Joint Resolution No. 826** -- Memorials, Recognition -- Military Officers Association of America.

The Speaker announced that he had referred House Joint Resolution No. 826 to the Committee on Calendar.

**House Joint Resolution No. 827** -- Memorials, Recognition -- Cocke County NJROTC.

The Speaker announced that he had referred House Joint Resolution No. 827 to the Committee on Calendar.

**Senate Joint Resolution No. 712** -- Memorials, Retirement -- Col. David L. Evans.

The Speaker announced that he had referred Senate Joint Resolution No. 712 to the Committee on Calendar.

**Senate Joint Resolution No. 713** -- Memorials, Recognition -- Hannah Rials, 2012 Youth Leadership Award.

The Speaker announced that he had referred Senate Joint Resolution No. 713 to the Committee on Calendar.

**Senate Joint Resolution No. 714** -- Memorials, Recognition -- Virginia Hardwick, 2012 Community Leadership Award.

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The Speaker announced that he had referred Senate Joint Resolution No. 714 to the Committee on Calendar.

**Senate Joint Resolution No. 715** -- Memorials, Recognition -- Steve Bowers, Jackson Man of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 715 to the Committee on Calendar.

**Senate Joint Resolution No. 716** -- Memorials, Recognition -- Joseph and Odette Novak, Pickett Care and Rehab Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 716 to the Committee on Calendar.

**Senate Joint Resolution No. 717** -- Memorials, Recognition -- James D. Cope.

The Speaker announced that he had referred Senate Joint Resolution No. 717 to the Committee on Calendar.

**Senate Joint Resolution No. 718** -- Memorials, Death -- Fred White, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 718 to the Committee on Calendar.

**Senate Joint Resolution No. 719** -- Memorials, Recognition -- Roane State Community College.

The Speaker announced that he had referred Senate Joint Resolution No. 719 to the Committee on Calendar.

**Senate Joint Resolution No. 720** -- Memorials, Recognition -- The Singing Cookes, 50th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 720 to the Committee on Calendar.

**Senate Joint Resolution No. 721** -- Memorials, Public Service -- Senator Roy Herron.

The Speaker announced that he had referred Senate Joint Resolution No. 721 to the Committee on Calendar.

**MOTION**

Senator Berke moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 724**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 724** -- Memorials, Recognition -- Honors and salutes the courageous Liberators and Holocaust Survivors of Tennessee and the work of the Tennessee Holocaust Commission.

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On motion of Senator Berke, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 724** was adopted.

A motion to reconsider was tabled.

**NOTICE**

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3385, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MOTION**

Senator Faulk moved that **Senate Joint Resolution No. 704** be rereferred to the Committee on Calendar, which motion prevailed.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 702** -- Memorials, Retirement -- Dr. Robert Bell.

**Senate Joint Resolution No. 705** -- Memorials, Recognition -- Ty Smith, Boys and Girls Club of the Smoky Mountains 2012 Youth of the Year.

**Senate Joint Resolution No. 706** -- Memorials, Recognition -- General Federation of Women's Clubs Chilhowee Club, 120th anniversary.

**Senate Joint Resolution No. 707** -- Memorials, Recognition -- Johnson City Country Club, National Register of Historic Sites.

**Senate Joint Resolution No. 708** -- Memorials, Recognition -- John Howard Dunn.

**Senate Resolution No. 91** -- Memorials, Recognition -- Taylor Jackson and Stephen Marcus, Tennessee State Championship Duo Interpretation Winners.

**House Joint Resolution No. 798** -- Memorials, Sports -- Lenoir City Middle School girls basketball team, State Section Champion.

**House Joint Resolution No. 799** -- Memorials, Academic Achievement -- Sydney Trentham, Salutatorian, Lebanon High School.

**House Joint Resolution No. 800** -- Memorials, Academic Achievement -- Carson Hicks, Valedictorian, Lebanon High School.

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**House Joint Resolution No. 801** -- Memorials, Academic Achievement -- Nathaniel Midgett, Valedictorian, Lebanon High School.

**House Joint Resolution No. 802** -- Memorials, Recognition -- Darrell's Dream Boundless Playground Complex.

**House Joint Resolution No. 809** -- Memorials, Recognition -- East Tennessee Livestock Center, Inc., 50th anniversary.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

**Senate Bill No. 2195** -- Highway Signs -- As introduced, names bridge on U.S. 127 in Cumberland County in honor of the late Frederick A. Hassler, U.S. Army.

On motion, Senate Bill No. 2195 was made to conform with **House Bill No. 2292**.

On motion, House Bill No. 2292, on same subject, was substituted for Senate Bill No. 2195.

**Senate Bill No. 2278** -- Highway Signs -- As introduced, names bridge on State Route 99 in Rutherford County in honor of the late Lance Corporal Justin Kyle Lewter.

On motion, Senate Bill No. 2278 was made to conform with **House Bill No. 2682**.

On motion, House Bill No. 2682, on same subject, was substituted for Senate Bill No. 2278.

**Senate Bill No. 2485** -- Highway Signs -- As introduced, names I-65 underpass in Williamson County in honor of the late Lance Corporal Benjamin H. Gearheart.

On motion, Senate Bill No. 2485 was made to conform with **House Bill No. 2236**.

On motion, House Bill No. 2236, on same subject, was substituted for Senate Bill No. 2485.

**Senate Bill No. 2509** -- Highway Signs -- As introduced, designates segment of State Route 235 in Dickson County to honor the late Deputy Sheriff Richard Keith Bellar.

On motion, Senate Bill No. 2509 was made to conform with **House Bill No. 2475**.

On motion, House Bill No. 2475, on same subject, was substituted for Senate Bill No. 2509.

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**Senate Bill No. 2732** -- Highway Signs -- As introduced, names bridge on State Route 246 in Williamson County in honor of the late Spc. Danny Gale Martin.

On motion, Senate Bill No. 2732 was made to conform with **House Bill No. 2793**.

On motion, House Bill No. 2793, on same subject, was substituted for Senate Bill No. 2732.

**Senate Bill No. 2733** -- Highway Signs -- As introduced, names bridge on State Route 96 in Williamson County in honor of the late Master Sergeant James W. "Tre" Ponder III, U.S. Army.

On motion, Senate Bill No. 2733 was made to conform with **House Bill No. 2878**.

On motion, House Bill No. 2878, on same subject, was substituted for Senate Bill No. 2733.

**Senate Bill No. 2812** -- Special License Plates -- As introduced, authorizes issuance of a Tennessee Sheriffs Association new specialty earmarked license plate. Amends TCA Title 55, Chapter 4, Part 2.

On motion, Senate Bill No. 2812 was made to conform with **House Bill No. 3026**.

On motion, House Bill No. 3026, on same subject, was substituted for Senate Bill No. 2812.

**Senate Bill No. 3032** -- Children's Services, Dept. of -- As introduced, adds additional language to the department's mission/purpose. Amends TCA Section 37-5-102.

**Senate Bill No. 3241** -- Unemployment Compensation -- As introduced, makes ineligible for benefits those claimants who were discharged after having agreed in writing to obtain a license or certification by a specified date and then have failed to do so. Amends TCA Title 50, Chapter 7.

**Senate Bill No. 3251** -- Special License Plates -- As introduced, authorizes FedExFamilyHouse new specialty earmarked license plate; allocates 50 percent of funds produced from sale thereof to FedExFamilyHome to help provide a place for families of children receiving treatment at Le Bonheur Children's Hospital. Amends TCA Title 55, Chapter 4.

On motion, Senate Bill No. 3251 was made to conform with **House Bill No. 3481**.

On motion, House Bill No. 3481, on same subject, was substituted for Senate Bill No. 3251.

**Senate Bill No. 3598** -- Herbal Products and Natural Foods -- As introduced, deletes the repeal date of June 30, 2012, of certain provisions regarding sellers of herbs and natural health information exchanges. Amends TCA Section 63-6-205.

On motion, Senate Bill No. 3598 was made to conform with **House Bill No. 3518**.

On motion, House Bill No. 3518, on same subject, was substituted for Senate Bill No. 3598.

**Senate Joint Resolution No. 629** -- Highway Signs -- "Spc. Jeremy Lynn Brown Memorial Bridge", State Route 56 in McMinnville, Warren County.

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Senator Faulk moved that all Senate Joint Resolutions be adopted; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 3764** -- Maury County -- As introduced, subject to local approval, sets the number of members of the Maury County board of education at 11 to be elected from school districts coextensive with the county commission districts; sets staggered four-year terms for such school board members. Repeals Chapter 44 of the Private Acts of 1973.

On motion, Senate Bill No. 3764 was made to conform with **House Bill No. 3833**.

On motion, House Bill No. 3833, on same subject, was substituted for Senate Bill No. 3764.

**Senate Bill No. 3765** -- Rutherford County -- As introduced, subject to local approval, requires that the boundaries of the road districts of the Highway Commission conform to those of the County Commission districts established by 2012 redistricting; increases, from four to six years, the next term of office for road commissioners elected from road districts two and seven. Amends Chapter 55 of the Private Acts of 1951; as amended.

On motion, Senate Bill No. 3765 was made to conform with **House Bill No. 3840**.

On motion, House Bill No. 3840, on same subject, was substituted for Senate Bill No. 3765.

**Senate Bill No. 3767** -- Rutherford County -- As introduced, subject to local approval, reapportions, after the 2010 U.S. census, Rutherford County school districts. Amends Chapter 454 of the Private Acts of 1968; as amended.

On motion, Senate Bill No. 3767 was made to conform with **House Bill No. 3847**.

On motion, House Bill No. 3847, on same subject, was substituted for Senate Bill No. 3767.

**Senate Bill No. 3772** -- Hamblen County -- As introduced, subject to local approval, revises the charter of Hamblen County to allow the clerk of the circuit and general sessions court to be the clerk of the juvenile court, while maintaining the business of the juvenile court separate from the circuit and general sessions court. Amends Chapter 337 of the Private Acts of 1972.

On motion, Senate Bill No. 3772 was made to conform with **House Bill No. 3842**.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

On motion, House Bill No. 3842, on same subject, was substituted for Senate Bill No. 3772.

**Senate Bill No. 3780** -- Oakdale -- As introduced, subject to local approval, reduces size of Town of Oakdale board of aldermen from three to two beginning with the August, 2014 election; requires the board to designate one board member as vice-mayor. Amends Chapter 587 of the Private Acts of 1911; as amended and rewritten.

On motion, Senate Bill No. 3780 was made to conform with **House Bill No. 3852**.

On motion, House Bill No. 3852, on same subject, was substituted for Senate Bill No. 3780.

**Senate Bill No. 3781** -- Bradley County -- As introduced, subject to local approval, establishes a common-docket system in Bradley County. Amends Chapter 17 of the Private Acts of 1955; as amended.

On motion, Senate Bill No. 3781 was made to conform with **House Bill No. 3853**.

On motion, House Bill No. 3853, on same subject, was substituted for Senate Bill No. 3781.

**Senate Bill No. 3784** -- Maury County -- As introduced, subject to local approval, authorizes remainder of proceeds from county wheel tax after all indebtedness for road paving projects has been paid, to be paid into the highway capital projects fund for highway and bridge capital projects. Amends Chapter 119 of the Private Acts of 1995.

On motion, Senate Bill No. 3784 was made to conform with **House Bill No. 3856**.

On motion, House Bill No. 3856, on same subject, was substituted for Senate Bill No. 3784.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**CALENDAR**

Senator Crowe moved that **Senate Bill No. 422** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 1447** -- Public Records -- As introduced, specifies that all licensure tests administered by the Department of Commerce and Insurance through any of its regulatory boards and commissions are confidential when and for so long as necessary to protect the integrity of the tests. Amends TCA Title 10, Chapter 7, Part 5.

Senator Ford declared Rule 13 on **Senate Bill No. 1447**.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision:

(a)( ) All records containing the results of individual teacher evaluations administered pursuant to the policies, guidelines, and criteria adopted by the State Board of Education under § 49-1-302 shall be treated as confidential and shall not be open to the public. Nothing in this subdivision shall be construed to prevent the LEA, public charter school, State Board of Education, or Department of Education from accessing and utilizing such records as required to fulfill their lawful functions.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Tracy moved that **Senate Bill No. 1447** be moved three places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 2224** -- Welfare -- As introduced, revises provisions governing eligibility for temporary assistance; makes provision of transportation assistance discretionary instead of mandatory. Amends TCA Title 71, Chapter 3, Part 1.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Sections 1, 2 and 3 of the printed bill in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-3-154(b)(1), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) A caretaker relative who becomes ineligible for any reason other than a failure to comply with work requirements or to cooperate with child support obligations shall be eligible for transitional child care assistance for a period specified by the department while the caretaker relative is employed, in school, or in employment training. Child care assistance terminated due to failure to comply with work requirements shall be reinstated upon verification by the department that the work requirements were, in fact, being met immediately preceding such ineligibility. Child care assistance shall be paid, on a sliding fee scale based upon the family's income for so long as federal funding or any related waiver is in effect.

SECTION 2. Tennessee Code Annotated, Section 71-3-154(h)(2)(D), is amended by deleting subdivision (h)(2)(D) in its entirety and by substituting instead the following:

(D) The personal responsibility plan may provide transportation assistance, if needed to participate in required activities; provided, that the department shall first utilize available community transportation resources before providing such assistance from department funds. The department shall provide child care services for those individuals who are receiving benefits, participating in work activities delineated in subsection (g), and not exempt from work activities pursuant to this part.

SECTION 3. Tennessee Code Annotated, Section 71-3-154(h)(4), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) If, without good cause, a recipient of temporary assistance fails to comply with a child support or work plan requirement imposed by this part or prescribed within the personal responsibility plan, then the family shall be subject to appropriate sanction by the department, which may include termination of assistance for a period to be determined by the department.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2224**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 2565** -- Child Labor -- As introduced, specifies that no public funds of this state or any political subdivision thereof shall be allocated to the regulation or enforcement of any change made to certain rules regarding the employment of children in an agricultural setting. Amends TCA Title 43; Title 50, Chapter 3 and Title 50, Chapter 5.

On motion, Senate Bill No. 2565 was made to conform with **House Bill No. 2669**.

On motion, House Bill No. 2669, on same subject, was substituted for Senate Bill No. 2565.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2669** passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**Senate Bill No. 2609** -- Medical Occupations -- As introduced, provides immunity to medical doctor or osteopathic physician who makes a report to law enforcement regarding an employee's unauthorized use of the doctor or physician's DEA registration number to write prescriptions. Amends TCA Title 63, Chapter 9 and Title 63, Chapter 6.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting subsection (b) of the amendatory language of Section 1 in its entirety and by substituting instead the following:

(b) Any medical doctor, firm, partnership, or corporation making a report pursuant to subsection (a) shall be immune from any civil liability for making such report when made in good faith.

AND FURTHER AMEND by deleting subsection (b) of the amendatory language of Section 2 in its entirety and by substituting instead the following:

(b) Any osteopathic physician, firm, partnership, or corporation making a report pursuant to subsection (a) shall be immune from any civil liability for making such report when made in good faith.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2609**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 27  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Tate, Tracy, Watson and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 1447**

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1447**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**Senate Bill No. 2671** -- Judges and Chancellors -- As introduced, terminates the court of the judiciary and replaces it with a 16-person board of judicial conduct and changes the burden of proof to investigate a judge to probable cause that misconduct occurred from substantial likelihood that it did. Amends TCA Title 4, Chapter 29 and Title 17, Chapter 5.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 7 of the introduced bill in its entirety and by substituting instead the following:

SECTION 7. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Tennessee board of judicial conduct, created by § 17-5-201;

On motion, Amendment No. 1 was adopted.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-5-201, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding any other law to the contrary, the court of the judiciary is dissolved effective July 1, 2012, and the terms of the present members of the court of the judiciary shall terminate on such date. On that date, there is created the board of judicial conduct to consist of sixteen (16) members to be selected in the following manner:

(1) One (1) current or former trial judge from each grand division, to be appointed by the Tennessee judicial conference;

(2) One (1) current or former general sessions court judge from each grand division, to be appointed by the Tennessee general sessions judges conference;

(3) One (1) current or former municipal court judge, to be appointed by the Tennessee municipal judges conference;

(4) One (1) current or former juvenile court judge, to be appointed by the Tennessee council of juvenile and family court judges;

(5) Two (2) current or former court of appeals or court of criminal appeals judges, with one (1) being appointed by the Speaker of the House of Representatives and one (1) being appointed by the Speaker of the Senate, from a list of six (6) recommended by the Tennessee judicial conference;

(6) Two (2) members of the public who are not judges, one (1) of whom shall be an attorney who regularly practices in the courts of this state and may be a member of the district attorneys general conference or a member of the district public defenders conference, and one (1) of whom shall be neither a judge nor an attorney, to be appointed by the Speaker of the Senate;

(7) Two (2) members of the public who are not judges, one (1) of whom shall be an attorney who regularly practices in the courts of this state and may be a member of the district attorneys general conference or a member of the district public defenders conference, and one (1) of whom shall be neither a judge nor an attorney, to be appointed by the Speaker of the House of Representatives; and

(8) Two (2) members of the public who are not judges, one (1) of whom shall be an attorney who regularly practices in the courts of this state and may be a member of the district attorneys general conference or a member of the district public defenders conference, and one (1) of whom shall be neither a judge nor an attorney, to be appointed by the governor.

(b) The board shall select its own chairperson. The board also shall select a vice chair and shall select one (1) member to serve as a direct liaison to the members of the general assembly.

(c) Each member of the board shall serve for a term of three (3) years and shall be eligible for reappointment to one (1) additional term. Vacancies on the court for an unexpired term shall be made for the remainder of the term by the appointing power of the original appointment.

(d)(1) The chair shall divide the board into hearing panels of six (6) members and investigative panels of three (3) members. At least one (1) member of each investigative panel shall be a member other than a current judge and at least two (2) members of each hearing panel shall be members other than current judges. Membership on the panels may rotate in a manner determined by the chair; provided, that no members shall sit on both the hearing and investigative panels for the same proceeding.

(2) A hearing panel has the duty and authority to rule on prehearing motions, conduct hearings on formal charges and make findings, conclusions, and impose sanctions or dismiss the case.

(3) An investigative panel has the duty and authority to:

(A) Review the recommendations of disciplinary counsel after preliminary investigation and either authorize a full investigation or dismiss the complaint; and

(B) Review the recommendations of disciplinary counsel after a full investigation and approve, disapprove or modify the recommendations as provided in § 17-5-304.

(4) No attorney member of the board shall sit on any investigative or hearing panel if the attorney has ever appeared before the judge against whom the complaint is filed.

(e) The appointing authorities, in making their appointments, shall do so with a conscious intention of selecting a board that reflects a diverse mixture with respect to race, including the dominant ethnic minority population, and gender.

SECTION 2. Tennessee Code Annotated, Section 17-5-304, is amended by deleting subsections (a) and (b), substituting instead the following and redesignating existing subsections accordingly:

(a) Disciplinary counsel shall evaluate all information coming to the counsel's attention by complaint, upon the request of any member of the board or from any other credible source that alleges judicial misconduct or incapacity.

(b) The complaint shall allege specific facts directly relating to the alleged misconduct or incapacity of the judge in question. All complaints shall be reviewed by the disciplinary counsel and if, in the judgment of disciplinary counsel, the complaint establishes probable cause that the conduct complained of occurred and violates § 17-5-302, counsel shall, subject to review by the investigative panel pursuant to subdivision (c)(3), conduct a preliminary investigation. If the disciplinary counsel believes the complaint fails to establish probable cause that either the conduct occurred or the conduct constituted a violation of § 17-5-302, counsel shall, subject to review by the investigative panel pursuant to subdivision (c)(3), recommend dismissal of the complaint, or if appropriate, refer the matter to another agency.

(c)(1) Disciplinary counsel may conduct interviews and examine evidence to determine whether the specific facts alleged are true and, if so, whether the facts establish probable cause that a violation of § 17-5-302 has occurred; provided, that no subpoena shall issue to obtain testimony or evidence until the investigative panel authorizes a full investigation pursuant to subdivision (c)(3).

(2) If disciplinary counsel believes there is evidence supporting the allegations against a judge, the counsel shall recommend to the investigative panel assigned to the case that the panel authorize a full investigation. Disciplinary counsel may also recommend a full investigation when it believes that there is evidence that would establish probable cause that a violation of § 17-5-302 has occurred and such evidence could be obtained by subpoena or further investigation. In all other cases, the disciplinary counsel must recommend that the matter be dismissed.

(3) The investigative panel shall review the disciplinary counsel's recommendations and either dismiss the complaint or authorize a full investigation. Disciplinary counsel shall not have the authority to dismiss a complaint without the review of and approval by the investigative panel.

SECTION 3. Tennessee Code Annotated, Title 17, Chapter 5, Part 2, is amended by adding the following new sections:

Section 17-5-207.

(a)(1) By the twentieth day of each month, the board shall compile and transmit to the Chief Clerk of the House of Representatives and Chief Clerk of the Senate a report containing at least the following information for the previous month:

(A) The number and category of complaints opened;

(B) The number and category of complaints closed; and

(C) The disposition of the complaints closed by category.

(2) The monthly report shall also contain a cumulative, year-to-date total for subdivisions (A), (B) and (C).

(b) By the twentieth day of January, March, June and September of each year, the board shall compile and transmit to the Chief Clerk of the House of Representatives and Chief Clerk of the Senate a report containing at least the following information for the prior three (3) month period:

(1) The number of complaints opened;

(2) The number of complaints closed;

(3) The disposition of complaints closed;

(4) The number of complaints pending;

(5) The number of complaints for which probable cause has been found;

(6) The number of complaints for which formal charges have been filed based on a recommendation by an investigative panel, including the nature of the charge, the names of the complainant(s), and the judge against whom the complaint is filed;

(7) The nature of any complaint filed according to the following categories:

(A) Failure to comply with law;

(B) Bias, prejudice, unfairness;

(C) Discourtesy;

(D) Abuse of office;

(E) Delay;

(F) *Ex parte* communication;

(G) Disability;

(H) Political violation;

(I) Recusal; and

(J) Miscellaneous.

(8) The type of judge against whom a complaint is filed by category.

(c) The quarterly reports shall also contain a cumulative, year-to-date total of the information compiled in subsection (b).

(d) The September report shall also contain a five (5) year statistical comparison of the prior five (5) fiscal years for the same categories.

(e) The board shall adopt by rule a formal records retention policy and shall review such policy on an annual basis to determine if changes should be made.

Section 17-5-208.

(a) The chairperson of the board shall immediately provide the Speaker of the Senate and the Speaker of the House of Representatives with the name, type of judge, judicial district, if applicable, the reason for the reprimand and the number of previous reprimands each time any of the following events occur:

(1) A judge receives a second or subsequent public reprimand for conduct occurring during the entire period of time the person is a sitting judge;

(2) A judge receives a second or subsequent private reprimand for conduct within the same misconduct category set out in § 17-5-207(b)(7) occurring during any eight (8) year term the person holds the office of judge; or

(3) A judge receives a third or subsequent private reprimand for conduct within any of the misconduct categories set out in § 17-5-207(b)(7) occurring during any eight (8) year term the person holds the office of judge.

(b)(1) The notice provided the Speakers pursuant to subdivision (a)(1) shall be a public record.

(2) The notice provided the Speakers pursuant to subdivision (a)(2) and (a)(3) shall remain confidential unless the general assembly opens an investigation of such judge pursuant to Article VI, Section 6 or Article V of the Tennessee constitution.

SECTION 4. The Tennessee Code Commission is requested to replace the references in Title 17, Chapter 5 to the "court of the judiciary" with "board of judicial conduct," to "court" with "board" and to make such other revisions reflecting changing the name of the "court of the judiciary" to the "board of judicial conduct" as are necessary, as sections are amended and volumes are replaced.

SECTION 5. In order to carry out its functions, duties, and responsibilities maintained under the provisions of this act, the court of the judiciary shall retain and have the authority to exercise any and all of its powers and duties existing under Title 17 prior to enactment of this act, including, but not limited to, the power to subpoena, the power to take evidence, and the power to examine. Upon the termination of the court of the judiciary, the board of judicial conduct is expressly granted the same powers and duties as set forth above for the court of the judiciary in order to carry out its responsibilities established by the provisions of this act. The board of judicial conduct also is expressly authorized to continue any preliminary investigations, full investigations, and/or trials scheduled or in progress by the court of the judiciary at the time of termination of the court of the judiciary. This authorization includes the right to use any evidence obtained or taken by the court of judiciary without the need to obtain again or retake any such evidence, including, but not limited to, prior issued subpoenas.

SECTION 6. (a) All rules of the court of the judiciary in effect on the effective date of this section shall remain in full force and effect as rules of the board of judicial conduct until modified or repealed by the board of judicial conduct.

(b) The initial rules adopted by the board of judicial conduct shall serve as the temporary rules of the board. The temporary rules shall remain in effect until such time as approved or not approved by the general assembly, with the board's chairperson presenting the rules, during the first session of the One Hundred Eighth General Assembly using the same procedure set out in § 16-3-404 for rules of court. If approved, the rules shall become the permanent rules of the board. All subsequent modifications or additions to such rules shall be approved by the general assembly in accordance with the procedures set forth in § 16-3-404.

SECTION 7. Tennessee Code Annotated, Section 4-29-235, is amended by adding a new subdivision as follows:

( ) Tennessee board of judicial conduct, created by § 17-5-201;

SECTION 8. For purposes of appointing the members of the board of judicial conduct created by this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2671**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 2796** -- TennCare -- As introduced, revises who shall submit a list of general internist candidates to the Speaker of the House to serve on the TennCare Pharmacy Advisory Committee. Amends TCA Section 71-5-2401.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-2401(b), is amended by deleting subdivision (3)(A) in its entirety and by substituting instead the following:

(3)(A) One (1) general internist who participates in the TennCare program from a list of all general internists provided by interested medical groups including, but not limited to, the Tennessee Chapter of the American College of Physicians. The initial appointee shall serve a one-year term; and

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2796**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 2816** -- Hospitals and Healthcare Facilities -- As introduced, enacts the "Community-Based TBI Adult Care Home Act of 2012" for the regulation of certain traumatic brain injury care homes. Amends TCA Title 68, Chapter 11.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the language "within the residence" after "at all times" and before "including overnights and weekends" in § 68-11-273(c) of the amendatory language of Section 3.

AND FURTHER AMEND by adding the language "The staff members providing overnight care and/or supervision shall hold a national certification by the Academy of Certified Brain Injury Specialists as a Certified Brain Injury Specialist (CBIS), or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained and experienced in the care and rehabilitation of residents with traumatic brain injury" to the end of § 68-11-273(c) of the amendatory language in Section 3.

AND FURTHER AMEND at the end of § 68-11-202(b)(1)(E) of the amendatory language in Section 5 by deleting the language: "At the discretion of the board consistent with this part, community-based TBI adult care homes equipped with sprinkler systems may not be required to comply with these fire code requirements in their entirety".

AND FURTHER AMEND by deleting § 68-11-206(a)(2)(E) in the amendatory language of Section 12 and by redesignating subdivision (F) in the amendatory language as subdivision (E).

AND FURTHER AMEND by adding the language "within the residence," after "at all times," and before "including overnights and weekends" in § 68-11-209(h)(2)(G) of the amendatory language in Section 17.

AND FURTHER AMEND by adding the language "The staff members providing overnight care and/or supervision must hold a national certification by the Academy of Certified Brain Injury Specialists as a Certified Brain Injury Specialist (CBIS), or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional who is trained and experienced in the care and rehabilitation of residents with traumatic brain injury." to the end of § 68-11-209(h)(2)(G) in the amendatory language of Section 17.

AND FURTHER AMEND by deleting Section 8 of the printed bill and appropriately redesignating subsequent sections.

On motion, Amendment No. 1 was adopted.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the language "community-based TBI adult care" wherever it appears in the bill, as amended, and by substituting instead the language "traumatic brain injury residentia".

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2816**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**Senate Bill No. 3003** -- Drugs, Prescription -- As introduced, requires pharmacists to provide certain prescribed opioid analgesic drugs that incorporate tamper resistance technology. Amends TCA Title 53.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The board of pharmacy shall publish a list of opioid drugs incorporating tamper or abuse resistance properties. Inclusion of a drug on such list shall not require that a drug bear a labeling claim with respect to reduction of tampering, abuse or abuse potential at the time of listing. The inclusion of a drug on the list shall not prohibit a pharmacist from substituting an opioid drug, brand or generic, that is otherwise eligible for interchange or substitution under Tennessee Code Annotated, Title 53, Chapter 10, Part 2. The inclusion of a drug on the list shall require that the drug has been submitted to the U.S. Food and Drug Administration with a study related to tamper or abuse resistance properties. Following the publication of the initial list by the board of pharmacy, if the U.S. Food and Drug Administration approves an opioid drug that bears in its label a claim to the drug's tamper or abuse resistance properties, such drug shall be added to the board of pharmacy list. This list shall be made available to prescribers, pharmacists, the Commissioner of Health, the Commissioner of Mental Health and the Commissioner of Safety.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3003**, as amended, passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**Senate Bill No. 3145** -- Hospitals and Healthcare Facilities -- As introduced, provides that reporting of injury other than those caused by deadly weapon upon a domestic violence or sexual assault on adult who does not wish to give consent to send identifying information to law

enforcement to be filled out on forms that provide location and injury information but not name and address of victim. Amends TCA Title 36 and Title 38.

Senator Ford declared Rule 13 on **Senate Bill No. 3145**.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-1-101, is amended by designating subsection (b) as subsection (c) and by adding the following new subsection (b):

(b)(1) The reporting provisions in subsection (a) do not apply if the person seeking or receiving treatment:

(A) Is 18 years of age or older;

(B) Is a victim of a sexual assault offense or domestic abuse as defined in § 36-3-601 or of strangulation; and

(C) Objects to the release of any identifying information to law enforcement officials.

(2) This exception shall not apply if the sexual assault or domestic abuse victim is being treated for injuries inflicted by a knife, pistol, gun, or other deadly weapon.

SECTION 2. Tennessee Code Annotated, Section 36-3-621, is amended by deleting the section in its entirety.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3145**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**Senate Bill No. 3187** -- Water Pollution -- As introduced, authorizes municipal separate storm sewer systems that become qualified local programs pursuant to department approval to administer their own NPDES storm water construction permitting programs and the review thereof. Amends TCA Title 69, Chapter 3, Part 1.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 69-3-103, is amended by adding the following as a new, appropriately designated subdivision, so that the subdivisions remain in alphabetical order:

( ) "Municipal separate storm sewer system" means a municipal separate storm sewer system as defined in the Clean Water Act 33 U.S.C. §§ 1251 et seq. and the rules promulgated thereunder; and

( ) "Qualified Local Program" means a municipal separate storm sewer system that has been approved as such by the department pursuant to this part.

SECTION 2. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following as a new, appropriately designated subsection:

69-3-148.

(a) The department may establish a program under which municipal separate storm sewer systems may become qualified local programs allowing for the streamlining of permits for construction activity as provided in this section.

(b) The department may review and approve applications from municipal separate storm sewer systems to become qualified local programs. The requirements for being a qualified local program shall be those required by federal regulation together with a system acceptable to the department for sharing information as to the construction sites authorized by the qualified local program.

(c) The department may incorporate by reference the requirements of a qualified local program for construction activity in its general permit.

(d) An operator of a construction site located within the jurisdiction of a qualified local program under subsection (b) who has obtained a notice of coverage from such program shall be authorized under the department's general permit for storm water associated with construction activity for that site and shall not have to submit any of the following to the department:

(1) Notice of intent to seek coverage under a storm water construction permit;

(2) Storm water pollution prevention plan;

(3) Storm water construction permit fee; or

(4) Notice of termination.

SECTION 3. For the purpose of promulgating rules and regulations this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2013, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3187**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	27
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Overbey, Roberts, Stewart, Summerville, Tate, Watson and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

**Senate Bill No. 3266** -- Motor Vehicles -- As introduced, authorizes tow trucks responding to an incident at the request of a law enforcement official to use white and amber lights that display to the front of the vehicle. Amends TCA Section 55-9-402.

On motion, Senate Bill No. 3266 was made to conform with **House Bill No. 2644**.

On motion, House Bill No. 2644, on same subject, was substituted for Senate Bill No. 3266.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2644** passed its third and final consideration by the following vote:

Ayes . . . . .	26
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Overbey, Roberts, Stewart, Tate, Watson and Mr. Speaker Ramsey--26.

A motion to reconsider was tabled.

**Senate Bill No. 3269** -- Dentists and Dentistry -- As introduced, requires dentists and dental hygienists to show license on request to a patient; requires board of dentistry's annual report to the governor to be submitted by March 1 of each year. Amends TCA Title 63, Chapter 5.

Senator Crowe moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-5-108(c)(5)(c), is amended by deleting the words "seven (7) months" and substituting instead the words "eleven (11) months".

SECTION 2. Tennessee Code Annotated, Section 63-5-115, is amended by deleting the second sentence in subsection (a) and inserting the following: "Such licensed and registered dental hygienists may practice as authorized in this section or § 63-5-108 only in the office of and under the direct and/or general supervision of a licensed and registered dentist, in authorized public health programs or at other locations otherwise authorized by this chapter".

SECTION 3. Tennessee Code Annotated, Section 63-5-115, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d)(1) Settings in which licensed and registered hygienists may engage in the provision of preventive dental care under the general supervision of a dentist through written protocol include nursing homes, skilled care facilities, nonprofit clinics and public health programs. Dental hygienists licensed and registered pursuant to this chapter are specifically permitted to render such preventive services as authorized in § 63-5-108 or by regulation of the board, as prescribed by the supervising dentist under a written protocol. Dental hygienists rendering such services shall be under the general supervision of a licensed dentist as specified in a written protocol between the supervising dentist and the hygienist which must be submitted in advance to the board. No dentist may enter into a written protocol with more than three (3) dental hygienists at any one time nor may any hygienist be engaged in a written protocol with more than three (3) dentists at any one time. The supervising dentist must process all patient billings. Each written protocol will be valid for a period of two (2) years at which time it must be renewed through resubmission to the board. Should a dentist cease to be the employer/supervisor of a dental hygienist where a written protocol is in force and on file with the board, the dentist must notify the board within ten (10) working days by certified mail/return receipt requested or electronic mail that the written protocol is no longer in force.

(2) Licensed and registered dental hygienists working under written protocol, in addition to those requirements enumerated under the general supervision § 63-5-108(c)(5), must have actively practiced as a licensed dental hygiene for at least five (5) years and have practiced two thousand (2,000) hours in the preceding five (years) or taught dental hygiene courses for two (2) of the proceeding three (3) years in a dental hygiene program accredited by the American Dental Association's Commission on Dental Accreditation and completed six (6) hours of public health continuing education within the past two (2) years; provided, after satisfying the requirement of this subsection (d), in subsequent years the hygienist may work on a part-time basis.

(3) Each written protocol, required for off-site practice under general supervision, shall be submitted to the board by certified mail/return receipt requested and shall include at a minimum:

(A) The name, address, telephone number and license number of the employer (supervising) dentist;

(B) The name, address, telephone number and license number of the dental hygienist;

(C) The name, address, telephone number and other pertinent identification from all locations where the dental hygiene services are to be performed; and

(D) A statement signed by the dentist that the dentist and the dental hygienist that meets all minimum standards for general supervision as well as those required for practice under a written protocol as stipulated in this section and § 63-5-108.

(4) The board will receive each written protocol submitted and keep those on file which meet the minimum requirements enumerated in subsection (f). Those received by the board and determined not to be complete shall be returned to the submitting dentist within 30 (thirty) days of receipt with a request for the additional information required. The dentist may then re-submit an amended written protocol to the board.

SECTION 4. This act shall take effect on becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 3269**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**Senate Bill No. 3283** -- Local Education Agencies -- As introduced, allows county boards of education in counties that have adopted the County Financial Management System of 1981 to remove the LEA from such system and manage the board's financial affairs under general state law. Amends TCA Title 5, Chapter 21.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-21-111(e)(1), is amended by adding the following language after the first sentence:

However, when reviewing the proposed budget of the county Department of Education, the county legislative body may only alter or revise the total amount of expenditures as proposed and such alterations or revisions shall comply with state law and regulations. Upon alteration or revision of the proposed budget of the Department of Education, the director of schools shall submit a revised budget within the total expenditures approved by the county legislative body within ten (10) days. If the revised budget complies with the amount of expenditures as adopted by the county legislative body, the revised budget will become the approved budget for the county Department of Education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3283**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**Senate Bill No. 3341** -- Education -- As introduced, requires teachers instructing in subjects wherein an end-of-course exam is administered to take such exam, provided annually by the State Board of Education, and pass with a score of 75 or greater. Amends TCA Title 49, Chapter 6.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following language as a new, appropriately designated section:

49-6-60\_\_\_. A teacher shall not teach a course in which an end of course examination is required for students to satisfy graduation requirements set by the State Board of Education pursuant to § 49-6-6001(a), if the teacher's license does not carry a subject specific endorsement for the subject area of the course; unless the

teacher demonstrates sufficient content knowledge in the course material by taking, at the teacher's own expense, and by passing a standardized or criterion-referenced test for the content area. A teacher who has passed a content area test shall not be required to retake the test or take any additional content area test, if subsequently assigned to teach the course; unless the teacher's evaluation performed pursuant to § 49-1-302(d) immediately preceding the new assignment demonstrates an overall performance effectiveness level of "below expectations" or "significantly below expectations".

SECTION 2. This act shall take effect January 1, 2013, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3341**, as amended, passed its third and final consideration by the following vote:

Ayes .....	25
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Overbey, Roberts, Summerville, Tate, Tracy and Mr. Speaker Ramsey--25.

A motion to reconsider was tabled.

Senator Faulk moved that **Senate Bill No. 3453** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

Senator Crowe moved that **Senate Bill No. 3535** be placed on the Calendar for Thursday, April 5, 2012, which motion prevailed.

**Senate Bill No. 3545** -- Special License Plates -- As introduced, requires hospital specialty license plates to have a 500 plate minimum for issuance and renewal. Amends TCA Title 55, Chapter 4.

Senator Tracy moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-313, is amended by adding a new subsection thereto, as follows:

(f) Notwithstanding the time limitations of § 55-4-201(h)(1), the "Niswonger Children's Hospital" new specialty earmarked license plate for a motor vehicle authorized by § 55-4-313 shall have until July 1, 2013, to meet the applicable minimum issuance requirements of § 55-4-201(h)(1).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3545**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 78** -- General Assembly, Directed Studies -- Creates a special joint committee to study the feasibility of establishing a system to make certain health-related boards and commissions more autonomous.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the last resolving clause in its entirety and by substituting instead the following:

BE IT FURTHER RESOLVED, that the special joint committee shall make a preliminary report of its progress to the standing health committees of the One Hundred Eighth General Assembly and to the governor no later than February 1, 2014, and shall make a final report no later than December 31, 2014, at which time the committee shall cease to exist.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 78**, as amended, was adopted by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Joint Resolution No. 689** be placed on the Calendar for Monday, April 2, 2012, which motion prevailed.

**Senate Bill No. 2302** -- Teachers, Principals and School Personnel -- As introduced, establishes new route to licensure to teach in grades 9-12 for persons who have taught in certain postsecondary institutions. Amends TCA Title 49, Chapter 5.

Senator Norris declared Rule 13 on **Senate Bill No. 2302**.

Senator Summerville moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the amendatory language of Section 1 of the bill and by substituting instead the following:

49-5-1\_\_\_\_. Notwithstanding any law to the contrary, except § 49-5-101(d) and § 49-5-404, the department shall issue a license to teach in grades nine through twelve (9-12) to any person who has taught at an eligible postsecondary institution as defined in § 49-4-902 full-time for two (2) or more years or part-time for four (4) or more years. A person shall be eligible for licensure under this section if the person has taught at an eligible postsecondary institution as either a faculty member or an adjunct faculty member. The license shall bear an endorsement to teach only in the subject area in which the person taught at the eligible postsecondary institution.

On motion, Amendment No. 1 was adopted.

Senator Summerville moved that **Senate Bill No. 2302**, as amended, be placed on the Calendar for Monday, April 2, 2012, which motion prevailed.

**Senate Bill No. 3178** -- Schools, Charter -- As introduced, makes charter schools subject to open meetings law; requires charter schools to maintain a Web site and post certain notices and information on the Web site; makes charter school records open records to the same extent as records of public schools operated by LEAs. Amends TCA Title 49, Chapter 13.

On motion, Senate Bill No. 3178 was made to conform with **House Bill No. 3539**.

On motion, House Bill No. 3539, on same subject, was substituted for Senate Bill No. 3178.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting from the amendatory language of Section 1 of the bill the following:

(a) If an LEA maintains a Web site on which the LEA posts the following information, then each public charter school that the LEA authorizes shall maintain a Web site with the same information:

and by substituting instead the following:

(a) If an LEA maintains a Web site on which the LEA posts the following information, then each public charter school within the LEA shall maintain a Web site with the same information:

AND FURTHER AMEND by deleting from the amendatory language of Section of the bill the following:

(c) If public schools in the chartering LEA or other public charter schools authorized by the LEA maintain Web sites that include school personnel contact information, biographical information of personnel or other school specific information, then all public charter schools shall do the same.

and by substituting instead the following:

(c) If public schools in the LEA or other public charter schools within the LEA maintain Web sites that include school personnel contact information, biographical information of personnel or other school specific information, then all public charter schools shall do the same.

Senator Bell moved that **House Bill No. 3539** be placed at the heel of the Calendar for today, which motion prevailed.

Senator Bell moved that **Senate Bill No. 3392** be placed on the Calendar for Monday, April 2, 2012, which motion prevailed.

**Senate Joint Resolution No. 674** -- Memorials, Recognition -- Tennessee Education Lottery Corporation and the Tennessee Education Lottery.

Senator Summerville moved that **Senate Joint Resolution No. 674** go to the table, which motion failed by the following vote:

Ayes . . . . .	7
Noes . . . . .	20

Senators voting aye were: Campfield, Johnson, Kelsey, McNally, Summerville, Tracy and Watson--7.

Senators voting no were: Barnes, Beavers, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Ketron, Kyle, Marrero, Massey, Overbey, Stewart, Tate and Mr. Speaker Ramsey--20.

Thereupon, **Senate Joint Resolution No. 674** was adopted by the following vote:

Ayes . . . . .	17
Noes . . . . .	5
Present, not voting . . .	2

Senators voting aye were: Barnes, Berke, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Kyle, Marrero, Massey, Overbey, Stewart, Tate, Tracy and Mr. Speaker Ramsey--17.

Senators voting no were: Beavers, Campfield, Herron, McNally and Summerville--5.

Senators present and not voting were: Kelsey and Ketron--2.

A motion to reconsider was tabled.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

**FURTHER ACTION ON HOUSE BILL NO. 3539**

Senator Bell moved that **House Bill No. 3539** be placed on the Calendar for Thursday, April 5, 2012, which motion prevailed.

**MOTION**

Senator Johnson moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1587**; and **House Joint Resolution No. 557** on the calendar for the Committee on State and Local Government for Tuesday, April 3, 2012, which motion prevailed.

**NOTICE**

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3447, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MOTION**

Senator Norris moved that the Proposed Schedule for the week of April 2, 2012, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE  
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE  
FOR THE WEEK OF APRIL 2, 2012**

**MONDAY – April 2**

5:00 p.m. Session – Senate Chamber

**TUESDAY – April 3**

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee (Final Meeting)
12:30 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 3:00 p.m.	Tax-sub Committee
3:00 p.m. – 5:00 p.m.	Judiciary Committee

**WEDNESDAY – April 4**

8:30 a.m.	Session – Senate Chamber
10:00 a.m. – 12:00 noon	Government Operations Committee (Final Meeting)
12:00 noon – 1:00 p.m.	Lunch

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

1:00 p.m. – 3:00 p.m.  
3:00 p.m. – 5:00 p.m.

Judiciary Committee  
State and Local Government Committee (Final Meeting)

**THURSDAY – April 5**

9:00 a.m.

Session – Senate Chamber

NOTE: Education, Health, General Welfare Joint Subcommittee of Government Operations, Monday, April 2, 2012, at 2:30 p.m., in 29 LP.

**RECALL OF BILL**

On motion of Mr. Speaker Ramsey, **Senate Bill No. 3647** was recalled from the Committee on Energy and Environment.

**REFERRAL OF BILL**

Mr. Speaker Ramsey moved that Senate Bill No. 3647 be referred to the Committee on Government Operations, which motion prevailed.

**RECALL OF BILL**

On motion of Mr. Speaker Ramsey, **Senate Bill No. 2225** was recalled from the Committee on Calendar.

**REFERRAL OF BILL**

Mr. Speaker Ramsey moved that Senate Bill No. 2225 be referred to the Committee on Government Operations, which motion prevailed.

**RECALL OF BILL**

On motion of Mr. Speaker Ramsey, **Senate Joint Resolution No. 704** was recalled from the Committee on Calendar.

**WITHDRAWAL OF BILL**

On motion of Mr. Speaker Ramsey, Senate Joint Resolution No. 704 was withdrawn from the Senate.

**MOTION**

On motion of Senator Finney, his name was added as sponsor of **Senate Bills Nos. 2129 and 3375**.

On motion of Senator Stewart, his name was added as sponsor of **Senate Bills Nos. 2130 and 3282**.

On motion of Senator Kyle, his name was added as sponsor of **Senate Bills Nos. 2195, 2278, 2485, 2509, 2732 and 3145**.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

On motion of Senator Stewart, his name was added as prime sponsor of **Senate Bill No. 2449**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bills Nos. 2544 and 2817**.

On motion of Senators Burks, Gresham and Norris, their names were added as sponsors of **Senate Bill No. 2565**.

On motion of Senator Berke, his name was added as sponsor of **Senate Bill No. 2570**.

On motion of Senators Beavers, Gresham and Kelsey, their names were added as sponsors of **Senate Bill No. 2671**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 2733**.

On motion of Senators Ford and Kyle, their names were added as sponsors of **Senate Bill No. 2812**.

On motion of Senators Ford, Harper and Kyle, their names were added as sponsors of **Senate Bill No. 3032**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 3229**.

On motion of Senators Kelsey, Kyle, Marrero, Norris, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Johnson, Ketron, Massey, McNally, Overbey, Roberts, Stewart, Summerville, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 3251**.

On motion of Senator Haynes, his name was added as sponsor of **Senate Bill No. 3288**.

On motion of Senators Stewart, Beavers, Crowe, Barnes, Bell, Berke, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 702**.

On motion of Senators Burks, Massey and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 734**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 799, 800 and 801**.

**ENGROSSED BILLS**

March 29, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1447, 2224, 2671, 2796, 2816, 3003, 3032, 3145, 3187, 3241, 3269, 3283, 3341 and 3545; and Senate Joint Resolutions Nos. 78, 629, 674, 702, 705, 706, 707 and 708; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

**ENGROSSED BILLS**

March 29, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bill No. 2609, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**ENGROSSED BILLS**

March 29, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 724, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2344, 2505, 2765, 3398 and 3518; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2226, 2434, 2671, 2774, 2933, 2978, 2984, 3023, 3570, 3746, 3808 and 3858; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 826 and 827, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 828, 829, 831, 832, 833, 834, 835, 836, 837 and 838; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 845, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2167, 2214, 2304, 2717, 2872, 2961 and 3383; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3384, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2140, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2625, 2910 and 3588; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 523, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 697, 698 and 699; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 724, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

March 28, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2167, 2214, 2304, 2717, 2872, 2961, 3383 and 3384; and Senate Joint Resolutions Nos. 523, 697, 698 and 699; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**ENROLLED BILLS**

March 30, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2140, 2625, 2910 and 3588; Senate Joint Resolution No. 724; and Senate Resolution No. 91; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 368, 2381, 2437, 2441, 2658, 2789, 2834 and 3007; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3266, for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 798, 799, 800, 801, 802 and 809; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

March 28, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 523, 697, 698 and 699.

**SIGNED**

March 29, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 2167, 2214, 2221, 2250, 2252, 2304, 2305, 2309, 2310, 2311, 2337, 2353, 2396, 2648, 2717, 2822, 2872, 2961, 3007, 3011, 3024, 3071, 3260, 3383, 3384, 3386, 3388, 3389, 3390 and 3749; and House Bills Nos. 368, 2381, 2437, 2441, 2658, 2789, 2834, 3007 and 3266.

**SIGNED**

March 29, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 798, 799, 800, 801, 802 and 809.

**SIGNED**

March 30, 2012

The Speaker announced that he had signed the following: Senate Joint Resolution No. 724; and Senate Resolution No. 91.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 28, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 523, 697, 698 and 699; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2167, 2214, 2221, 2250, 2252, 2304, 2305, 2309, 2310, 2311, 2337, 2353, 2396, 2648, 2717, 2822, 2872, 2961, 3007, 3011, 3024, 3071, 3260, 3383, 3384, 3386, 3388, 3389, 3390 and 3749; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 724, signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF DEPUTY CHIEF CLERK**

March 28, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 672, 673, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 691, 692, 694 and 695; for his action.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**REPORT OF DEPUTY CHIEF CLERK**

March 30, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 1945, 2167, 2214, 2221, 2248, 2250, 2252, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2337, 2353, 2396, 2403, 2648, 2717, 2822, 2872, 2931, 2961, 3007, 3010, 3011, 3024, 3071, 3116, 3260, 3383, 3384, 3386, 3388, 3389, 3390, 3411, 3552 and 3749; and Senate Joint Resolutions Nos. 523, 697, 698, 699 and 724; for his action.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR**

March 30, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 2216, 2222, 2226, 2264, 2290, 2297, 2384, 2466, 2490, 2576, 2647, 2766, 2829, 2841, 2885, 3263, 3379 and 3779; with his approval.

HERBERT H. SLATTERY III,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 2, 2012: Senate Joint Resolutions Nos. 712, 713, 714, 715, 716, 717, 718, 719, 720 and 721; and House Joint Resolutions Nos. 811, 813, 814, 815, 819, 820, 821, 822, 825, 826 and 827.

This the 30th day of March, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 2, 2012: Senate Bills Nos. 2194, 2491, 2532, 2550, 2627, 2675, 2997, 3055, 3195, 3233, 3334, 3558 and 3589; Senate Joint Resolution No. 646; and Senate Resolution No. 78.

This the 30th day of March, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 2, 2012: Senate Bills Nos. 2350, 2486, 2779, 2857, 2908, 3080, 3547, 3555, 3567, 3608, 3616, 3653, 3727, 3742, 577, 2302, 2839, 2978 and 3392; and Senate Joint Resolution No. 689.

This the 30th day of March, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, April 2, 2012: Senate Bills Nos. 3385 and 3447.

This the 30th day of March, 2012.  
MIKE FAULK, Chairperson.

**THURSDAY, MARCH 29, 2012 -- 65TH LEGISLATIVE DAY**

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, April 2, 2012, which motion prevailed.